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November 22, 2014

Hon. Jacqueline Scott Corley
San Francisco Courthouse
Courtroom F - 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Re: AngioScore, Inc. v. TriReme Medical, Inc., et al., Case No. CV 12-3393-YGR
Plaintiff's Letter re Defendant's Discovery Letter Brief re Non-Party Subpoenas

Dear Judge Corley:

Plaintiff AngioScore, Inc. respectfully requests that the Court consider this submission in connection with its determination of Defendant Eitan Konstantino's Letter Brief re: Non-Party Subpoenas, and response thereto (Dkt. Nos. 379 and 387).

This submission is precipitated by statements in Defendant's papers which are based on a misapprehension of an earlier version of the expert report of AngioScore's damages expert. Nothing in that report is based on documents from or calculations performed by Spectranetics or Piper Jaffrey. The portion of the expert report cited by Defendant to support its relevancy arguments is a publicly available discount rate from Bloomberg – not calculated from Piper Jaffrey or used by Spectranetics as Defendant suggests. (Dkt. 387, at 2; Dkt. 379, at 1) The full quote from paragraph 26 of the report cited by Defendant is: "Finally, I discount AngioScore's future lost profits to June 30, 2014 using Spectranetics' discount rate according to Bloomberg, as measured by its Weighted Average Cost of Capital ("WACC") of 8.9%." (emphasis added).

As Defendant acknowledges, Plaintiff no longer relies on the discount rate publicly reported by Bloomberg. Plaintiff's expert has submitted an updated damages report in which he uses a discount rate of 20% (as opposed to 8.9%), which is more than twice as conservative and thus more favorable to Defendant. This updated number is based upon estimates of value by SVB Analytics, a valuation firm, that performed an independent valuation of AngioScore. Notwithstanding this update to the report, Plaintiff has produced to Defendant all data and materials relied upon by Plaintiff's expert in both of his damages reports.

Finally, AngioScore has produced financial information to Defendant directly, including documents from its "data room" which contained the documents that AngioScore provided to Spectranetics in connection with the acquisition due diligence. If Defendant seeks different or additional financial data, AngioScore offers to meet and confer regarding such a request.

Respectfully submitted,
QUINN EMANUEL URQUHART & SULLIVAN LLP

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